

Chapter NR xxx

GROUNDWATER MANAGEMENT AREA PLANNING

NR xxx.01 Purpose.

Under the authority of ss. 281.12(1), 281.34(9), and 281.35 Stats., this chapter establishes regulations specifying policies, procedures, and requirements for Wisconsin's groundwater management area planning process. This process will result in the preparation of groundwater management area plans for designated groundwater management areas. The preparation of groundwater management area plans is the responsibility of designated groundwater management area planning agencies. The purpose of this planning process is to systematically evaluate alternative means of managing groundwater in designated groundwater management areas. This planning process integrates consideration of both the technical measures for groundwater management and the management arrangements necessary for implementing management measures. Public participation will be provided for throughout plan development.

NR xxx.02 Applicability.

This chapter is applicable to groundwater management area plans prepared by designated groundwater management area planning agencies.

NR xxx.03 Definitions.

- (1) "Best management practices" means practices, techniques or measures, identified in groundwater management area plans, which are determined to be the most effective, practicable means of managing groundwater to a level compatible with groundwater management goals.
- (2) "Cost-effectiveness analysis" means a systematic comparison of alternative means of meeting groundwater management goals in order to identify the alternative which will minimize the total resources costs over the planning period. These resources costs include monetary costs and environmental as well as other non-monetary costs.
- (3) "Department" means the department of natural resources.
- (4) "Designated management agency" means any agency designated in a groundwater management area plan having responsibility for implementing specific plan recommendations. This may be done through direct activities of the designated management agency or through delegation to other agencies or units of government.
- (5) "Groundwater management area plan" means a plan for managing groundwater in a groundwater management area.
- (6) "Groundwater management goals" means

- (7) "Groundwater protection area" means an area within 1,200 feet of any of the following:
- a. An outstanding resource water identified under s. 281.15 that is not a trout stream.
 - b. An exceptional resource water identified under s. 281.15 that is not a trout stream.
 - c. A class I, class II, or class III trout stream, other than a class I, class II, or class III trout stream that is a farm drainage ditch with no prior stream history, as identified under sub. (8) (a).
- (8) "High capacity well" means a well that, together with all other wells on the same property, has a capacity of more than 100,000 gallons per day.
- (9) "Local governmental unit" means a city, village, town, county, town sanitary district, utility district under s. 66.0827 that provides water, public inland lake protection and rehabilitation district that has town sanitary district powers under s. 33.22 (3), joint local water authority created under s. 66.0823, or municipal water district under s. 198.22.
- (10) "Owner" means a person who owns property on which a well is located or proposed to be located or the designated representative of such a person.
- (11) "Potentiometric surface" means a measure of pressure of groundwater in an aquifer based on the level to which groundwater will rise in a well placed in the aquifer.
- (12) "Public participation process" means those activities developed for involving individual members of the public, local governmental officials, and interest groups in the groundwater management area planning process. These activities may include: the dissemination of information to the public including plan documents and summaries in lay terms, outreach activities to identify interested members of the public, the actual involvement of the public in the decision-making process which leads to the preparation and implementation of a groundwater management area plan, and response to the public on how their input was used. This process normally includes both public meetings and public informational hearings.
- (13) "Spring" means an area of concentrated groundwater discharge occurring at the surface of the land that results in a flow of at least one cubic foot per second at least 80 percent of the time.
- (14) "Water loss" means a loss of water from the basin from which it is withdrawn as a result of interbasin diversion or consumptive use or both.
- (15) "Well" means any drillhole or other excavation or opening deeper than it is wide that extends more than 10 feet below the ground surface and is constructed for the purpose of obtaining groundwater.

NR xxx.04 Groundwater management area planning process.

(1) The groundwater management area planning process shall include consideration of and plans for the following elements:

- (a) Existing plans for groundwater management for the groundwater management area.
- (b) Topical studies which analyze groundwater management policies or issues of statewide concern.
- (c) Procedures for intergovernmental cooperation.
- (d) Procedures and mechanisms for plan implementation including:
 - 1. Groundwater management goals.
 - 2. Limitations and allocations required to meet groundwater management goals.
 - 3. An inventory and priority ranking of groundwater needs for the purpose of _____.
 - 4. Best management practices for groundwater management.
- (e) Procedures for plan revision.
- (f) Procedures for public participation.

NR xxx.05 Content of groundwater management area plans.

(1) Subject to sub. (2), the following elements shall be included in each groundwater management area plan approved by the department.

- (a) Planning area boundaries. The delineation in map form of the area for which the plan is being prepared.
- (b) Groundwater assessment. An assessment of existing and potential groundwater quantity and quality problems within the planning area including a general assessment of uses and causes contributing to the problems.
- (c) Inventories and forecasts.
 - 1. An inventory of municipal and industrial water uses.
 - 2. Current demographic and economic growth data.

3. Population forecasts for 20 years in 5-year increments developed in the following manner:

a. The state population forecast for the groundwater management area plan shall be consistent with that generated by the Wisconsin department of administration (DOA) and with the forecast provided by the U.S. department of commerce, bureau of economic analysis (BEA).

b. Single county forecasts prepared by multi-county regional planning agencies (established in s. 66.945, Stats.) for the purpose of groundwater management area planning shall be consistent with the range of the regional forecast generated by DOA. Single county forecasts prepared by single county planning agencies shall be expressed within the range of the county forecast generated by DOA. Single county forecasts inconsistent with the range of DOA regional forecasts and single county forecasts falling outside of the range provided by DOA may be used if special approval is obtained from the natural resources board.

c. The population forecasting methodology used by designated regional or county planning agencies to apportion county forecasts to minor civil divisions (MCD) and individual service areas shall be consistent with standards developed by DOA. If these agencies do not prepare MCD forecasts, the department will request that DOA do so. If DOA chooses not to prepare MCD forecasts, the department will do so.

4. Existing and projected land use patterns including service areas as described in par. (g).

(d) Groundwater management goals. Applicable groundwater management goals and any suggested revision of such groundwater management goals.

(e) Public water supply plan.

1. The most cost-effective regional public water supply plan for all urban areas shall be identified over a 20-year planning period based upon an analysis of alternative public water supply configurations. This analysis shall include a cost-effectiveness analysis of regional versus individual water supply systems. Water quality and other environmental impacts shall be considered.

2. Water distribution system needs shall be identified through the delineation of a service area for existing and proposed public water systems for the 20-year planning period such that:

a. The service area is determined in such a fashion as to promote cost-effective and environmentally sound water supply and distribution.

b. The service areas are delineated based on a 20-year population forecast approved by the department, and municipally approved population density standards.

c. Major areas unsuitable for the installation of public water supply systems because of physical or environmental constraints are to be excluded from the service area. Areas to be considered for exclusion from the service area because of the potential for adverse impacts on the quality of the waters of the state include _____.

d. Ten-year service area boundaries may also be included in addition to the 20-year service boundaries.

3. The public water supply plan shall include criteria for the construction of future public water systems within the groundwater management area.

4. The preparation of the public water supply plan will be carried out if possible by a local planning agency.

5. A local policy advisory committee made up of representatives of the various local units of government in the planning area shall be established, or an existing body used, to assist in the preparation of the public water supply plan and to act in an advisory role to the department in matters concerning the implementation of the plan.

(f) Industrial water supply needs. The anticipated industrial water supply needs for at least a 20-year planning period.

(g) Best management practices.. The best management practices needed to assist in attaining groundwater management goals throughout the planning area shall be identified and evaluated.

(h) Point source discharges. An identification of the best management practices to be established over the location of point source discharges.

(i) Recharge areas. An identification of the necessary controls to be established to protect recharge areas.

(j) Target dates. Target dates or schedules for all best management practices.

(k) Recommended regulatory programs. Recommended regulatory programs needed to implement the groundwater management area plan.

(l) Designated management agencies. The identification of those agencies recommended for designation to carry out the provisions of the groundwater management area plan.

(m) Environmental, social, economic impact. An assessment of the environmental, social and economic impacts of carrying out specific significant recommendations of the groundwater management area plan.

(2) The department may waive inclusion of any of these elements upon a determination by the department that special conditions exist in the planning area which preclude their inclusion or that financial resources are not adequate to allow their inclusion.

NR xxx.06 Designation of groundwater management area planning areas and agencies.

(1) Designation of groundwater management areas. In accordance with sec. 281.34(9)(a), the following two areas are designated as groundwater management areas.

a. The entire area of each city, village, and town in Brown County at least a portion of which is within the area in which, on May 7, 2004, the groundwater potentiometric surface has been reduced 150 feet or more from the level at which the potentiometric surface would be if no groundwater had been pumped.

b. The entire area of each city, village, and town in Waukesha County at least a portion of which is within the area in which, on May 7, 2004, the groundwater potentiometric surface has been reduced 150 feet or more from the level at which the potentiometric surface would be if no groundwater had been pumped.

(2) Designation of other groundwater management areas.

(3) Within each of these groundwater management areas, the department shall recommend to the governor for designation a single agency capable of developing effective groundwater management area plans. Each recommended planning agency shall:

(a) Be either a regional planning commission established under s. 66.945, Stats., or be a representative organization whose membership shall include elected officials of local governments or their designees, having jurisdiction in a designated groundwater management area.

(b) Demonstrate substantial local support for designation through resolutions from local units of government deemed by the department to be critical to the successful preparation and implementation of a groundwater management area plan.

(c) Demonstrate the technical capability to complete the plan in a timely manner.

(4) The department may recommend that the governor withdraw or modify the designation of a designated agency or designated area or both when a compelling need for such change has been demonstrated. Prior to making such a recommendation to the governor, the department shall, conduct a public participation process, including at a minimum a public hearing in the affected area.

NR xxx.07 Procedures for approval of groundwater management area plans and plan revisions.

(1) Review and approval of groundwater management area plans:

(a) The department shall review and approve or disapprove each groundwater management area plan.

(b) To receive departmental approval a groundwater management area plan must have been subject to a public participation process, approved by the department including at a minimum, a public hearing.

(2) Review and approval of 5-year updates to groundwater management area plans:

(a) The department shall reevaluate the approval status of each groundwater management area plan at least every 5 years. Continued or renewed approval shall be granted only to plans, or portions thereof, upon a determination by the department that the plan continues to meet the requirements of this chapter.

(b) Upon reevaluation of the approval status of the plans as described in par. (a), the department shall approve the plan subject to the approval procedures described in sub. (1) (a) and (b).

(3) Review and approval of revisions to groundwater management area plans:

(a) The department may approve on an annual basis, or where expressed procedures are established between the department and a designated planning agency, revisions which incorporate new information or amendments to an approved groundwater management area plan.

(b) Approval of plan revisions may be subject to a public participation process.

(4) Disapproval of previously approved groundwater management area plans or plan elements:

(a) The department may disapprove or otherwise modify any previously approved groundwater management area plan or plan element if such action is deemed necessary to reflect state law or rules or changes therein; or where the department finds the plan or plan element conflicts with the department's responsibility to protect, maintain, and improve the quality and management of the waters of the state, ground or surface, public and private; or where the plan or plan element is found otherwise not to be in the public interest.

(b) Any disapproval or modification of a previously approved groundwater management area plan or plan element by the department shall include a public participation process including at minimum a public hearing.